

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 04-43222

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In re:

Robert J. Sheppard and Susan J. Sheppard,

Debtors.

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**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

TO: The Debtor above-named and her attorney,

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on October 6, 2004 at 9:30 a.m., Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than October 1, 2004 which is 3 days before the above date (excluding Saturdays, Sundays and holidays) or filed and served by mail not later than September 27, 2004 which is 7 days before the time set for hearing (excluding Saturdays, Sundays and holidays) in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §§521 and 542 and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 8, 2004. The case is now pending in this Court.

6. Movant requests an order directing the Debtors to turnover to the Trustee the following:

- a. A 2004 H&H Trailer with serial number ending in 272 which trailer the Debtor, Robert Sheppard, admits is property of the bankruptcy estate.
- b. Records establishing the source of two \$16,000 deposits made on May 4 and June 25, 2004 into a Mainstreet Bank account #898106 in the name of DCS Properties, LLC ("DCS Account").
- c. Checking register from January 1, 2004 to August 1, 2004 for the Debtors' TCF checking account.
- d. DCS Account bank records, checking account statements and check photocopies from January 1, 2004 - March, 2004.
- e. \$800 in cash withdrawn by the Debtors from the TCF account on June 4, 2004.

7. The Debtor, Robert J. Sheppard, in response to a demand of the Trustee, agreed to turnover the trailer and the above documents to the Trustee, but has failed to do so.

WHEREFORE, the Trustee requests that the Debtor be required to immediately turnover to the Trustee the following:

- a. A 2004 H&H Trailer with serial number ending in 272 which trailer the Debtor, Robert Sheppard, admits is property of the bankruptcy estate.
- b. Records establishing the source of two \$16,000 deposits made on may 4 and June 25, 2004 into a Mainstreet Bank account #898106 in the name of DCS Properties, LLC ("DCS Account").
- c. Checking register from January 1, 2004 to August 1, 2004 for the Debtors' TCF checking account.
- d. DCS Account bank records, checking account statements and check photocopies from January 1, 2004 - March, 2004.

- e. \$800 in cash withdrawn by the Debtors from the TCF account on June 4, 2004.

**FULLER, SEAVER & RAMETTE, P.A.**

Dated: September 21, 2004

By: /e/ Randall L. Seaver

Randall L. Seaver 152882  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Robert J. Sheppard and Susan J. Sheppard named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on September 21, 2004

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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BKY No. 04-43222

In re:

Robert J. Sheppard and Susan J. Sheppard,

**UNSWORN CERTIFICATE**

Debtors.

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I, Kari L. Fogarty, declare under penalty of perjury that on September 21, 2004 I mailed a copy of the Notice of Hearing and Motion for Turnover of Property by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Robert J. Sheppard  
1695 Main Street  
Centerville, MN 55038

Susan J. Sheppard  
1695 Main Street  
Centerville, MN 55038

Matthew R. Burton  
Leonard, O'Brien, Spencer, Gale & Sayre  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402

Office of the United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

**FULLER, SEAVER & RAMETTE, P.A.**

Dated: September 21, 2004

By: /e/ Kari L. Fogarty  
Kari L. Fogarty  
Legal Secretary  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 04-43222

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In re:

Robert J. Sheppard and Susan J. Sheppard,

**ORDER**

Debtors.  
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This matter came on for hearing before this court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein., and the Court being fully advised in the premises,

**IT IS HEREBY ORDERED:**

1. Within two (2) days from the entry of this Order the Debtors shall turnover to the Trustee the following:

- a. A 2004 H&H Trailer with serial number ending in 272.
- b. Records establishing the source of two \$16,000 deposits made on may 4 and June 25, 2004 into a Mainstreet Bank account #898106 in the name of DCS Properties, LLC ("DCS Account").
- c. Checking register from January 1, 2004 to August 1, 2004 for the Debtors' TCF checking account.
- d. DCS Account bank records, checking account statements and check photocopies from January 1, 2004 - March, 2004.
- e. \$800 in cash withdrawn by the Debtors from the TCF account on June 4, 2004.

**BY THE COURT:**

Dated: \_\_\_\_\_, 2004

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Robert J. Kressel  
U.S. Bankruptcy Judge